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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------|---------------------|------------------|
| 09/977,701 | 10/16/2001 | Nobuhiro Ikeda | 03500.015877. | 3756 |
| 5514 7590 01/28/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | | |
| EXAMINER JAMAL, ALEXANDER | | | | |
| ART UNIT 2614 | | PAPER NUMBER | | |
| MAIL DATE 01/28/2009 | | DELIVERY MODE PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/977,701

Applicant(s)

IKEDA, NOBUHIRO

Examiner

ALEXANDER JAMAL

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No./Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Based on the perfected priority claim, the examiner submits a new set of non-final rejections based on new prior art.
2. The examiner withdraws the 112 rejection to all claims, and notes that applicant has not limited the term 'management device' to any particular device, as such the examiner maintains the broadest reasonable interpretation of a management device as –any- portion of a 'communication control' device and/or 'management center'.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. **Claims 24,25** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims recite, 'when the management device is exchanged'. It is not clear what is being exchanged. For the purpose of examination, the examiner assumes the claim is reciting that the ad-hoc identifiers are assigned, received, and registered before they are used for communication.

Clarification/Correction is requested.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 2, 4, 5, 16 and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by Beyer et al. (7184413).

As per **claims 1,16**, Beyer discloses a **management center (switch 12 fig. 1, or portable base stations 22 in Fig. 3)** that communicates with **communication control devices-(either the access points in fig. 1 or mobile terminals 28 in Fig. 3)**. The devices may be used in an ad-hoc manner which inherently comprises a wireless device-**communication control device** receiving and **registering-storing to memory** the **identifier** of the master device-**switch and any other networked terminals** for the purpose of the terminals being able to communicate with the master device (or any other devices in the ad-hoc network). The **communication control devices** also are assigned addresses-**identifiers (destination ID, Col 5 lines 25-55)** via a

wireless message from a **management device** (the device may be thought as comprising any portion of the hardware or software that manages the disclosed ad-hoc networking functions of either reference) (Col 5 lines 25-55).

As per **claim 2**, the **communication control devices** inherently comprise '**peripheral devices**' for the purpose of performing the telephone functions. The mobile terminals are managed by 'base stations' (Fig. 3).

As per **claim 4**, it is rejected as per the claim 1 rejection.

As per **claims 5,19** the terminals used in the disclosed ad-hoc network inherently require receiving and registration of the addresses of a plurality of other terminals on the ad-hoc network for the purpose of the terminals being able to communicate. Additionally Beyer discloses (abstract) a list of addresses that are communicated (registered) to other networked terminals.

As per **claims 24,25**, the device identifiers must inherently be received and registered from a 'management device' (any device that performs the inherent address registration) for the purpose of allowing the networked devices to communicate.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 12 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Beyer et al. (7184413) as applied to claims 1 and 16 and further in view of Seo (US Patent 5,764,281).

Regarding Claim 12, Seo discloses a remote control system that prompts a user for a password (i.e., requests identification data from a management center) and receives a password from a user (i.e., input means for inputting a password) (column 4, lines 20-32). Seo further discloses that such an arrangement prevents presentation of unsuitable content to users (column 6, lines 14-20). It would have been obvious to one skilled in the art at the time of the invention to apply password request and input as taught by Seo to the system taught by Beyer for the purpose of realizing the aforesaid advantage.

All elements of **Claim 18** are essentially comprehended by Claim 12. As such, Claim 18 is rejected on the same grounds as Claim 12.

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

January 28, 2009